

Attorney Docket No. 040679-1154

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 10

In re patent application of

Shinji YAMAMOTO et al.

Group Art Unit: 3748

Serial No. 09/692,470

Examiner: T. M. Nguyen

Filed: October 20, 2000

For: EXHAUST GAS PURIFICATION SYSTEM

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Office Action mailed January 11, 2002, included an election of species requirement, and further asserted that the present application contains claims directed to patentably distinct species grouped as follows:

- (1) the species of Figure 2 where the Office Action asserts that hydrogen is produced in a HC and CO oxidizing catalyst and a hydrogen generating catalyst, and
- (2) the species of Figures 3 and 4 where the Office Action asserts that hydrogen is produced in the cylinders of an internal combustion engine.

In response to this election of species requirement, applicants hereby elect with traverse the species of Figure 2. Applicants believe that all of the pending claims 1, 2, 4-10 and 12-36 read on the species of Figure 2. Thus, applicants respectfully request that claims 1, 2, 4-10 and 12-36 be examined.

Applicants traverse the election of species requirement for the following reasons. Applicants believe that the Office Action has not correctly characterized the species of Figures 2, 3, and 4. As described in Example 7-1 of the specification on pages 31 and 32, the embodiment of Figure 2 includes both a first arrangement in which hydrogen is produced in a catalyst, and a second arrangement (as described in Figures 3 and 4) where

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hydrogen is produced in the cylinders of an internal combustion engine. Thus, while Figures 3 and 4 only describe the second arrangement where hydrogen is produced in the cylinders of an internal combustion engine, Figure 2 describes both arrangements. Applicants thus believe that it is improper to separate the present invention into two species in the fashion proposed by the Office Action.

Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected species.

Receipt of a further Office Action on the merits is awaited.

Respectfully submitted,

February 11, 2002  
Date

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Re: Shinji YAMAMOTO et al.

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1. Letter to the Examiner
2. Copy of Response to Restriction Requirement filed February 11, 2002, along with a copy of PTO date stamped receipt.

Date: May 31, 2002

  
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